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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह असंग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 12th May, 1976/Vaisakha 22, 1898 (Saka)

THE PONDICHERRY MUNICIPALITIES AND VILLAGE AND COMMUNE PANCHAYATS (AMENDMENT) REGULATION, 1976

No. 8 OF 1976

Promulgated by the President in the Twenty-seventh Year of the Republic of India.

A Regulation further to amend the Pondicherry Municipalities Act, 1973 and the Pondicherry Village and Commune Panchayats Act, 1973.

In exercise of the powers conferred by the second proviso to clause (1) of article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

1. This Regulation may be called the Pondicherry Municipalities and Village and Commune Panchayats (Amendment) Regulation, 1976. Short title.

2. In the Pondicherry Municipalities Act, 1973, after section 507, the following section shall be inserted, and shall be deemed to have been Insertion of new section 507A in Pondicherry Act 9 of 1973.

inserted with effect from the 26th day of January, 1974, namely:—

Persons by whom certain functions or duties are to be performed or discharged.

"507A. Where any authority or functionary constituted or appointed under the repealed law was, immediately before such repeal, performing any function or was discharging any duty under that law or any other law, such function or duty shall be performed or discharged by the corresponding authority or functionary constituted or appointed under this Act:

Provided that—

(*i*) if any question arises as to who such corresponding authority or functionary is, or

(*ii*) if there is no such corresponding authority or functionary, the Government may, by notification, direct as to which authority or functionary shall perform such function or discharge such duty, and any such direction may be given retrospective effect from a date not earlier than the appointed day.".

Amendment of sections 127 and 334 of, and insertion of new sections 334A and 334B in, Pondicherry Act 10 of 1973.

3. In the Pondicherry Village and Commune Panchayats Act, 1973—

(*a*) in section 127, in sub-section (*1*), in the proviso, the following shall be inserted at the end, namely:—

"and where the Legislative Assembly is dissolved, or the functioning of that body as such Legislature remains suspended on account of any action taken under any such law as is referred to in clause (*1*) of article 239A of the Constitution, except with the previous approval of the Central Government";

(*b*) in section 334—

(*i*) clause (*e*) shall be omitted;

(*ii*) in clause (*h*), in the proviso, for the words "interim village panchayat", the words "successor commune panchayat council" shall be substituted;

(*iii*) in clauses (*i*), (*j*), (*l*), (*n*) and (*r*), the words "the interim village panchayat" and "interim village panchayat", wherever they occur, shall be omitted;

(*iv*) in clause (*p*), the words ", or the interim village panchayat, as the case may be" shall be omitted;

(*c*) after section 334, the following section shall be inserted, and shall be deemed to have been inserted with effect from the 26th day of January, 1974, namely:—

sons whom ...tain functions or duties are to be performed or discharged.

"334A. Where any authority or functionary constituted or appointed under the repealed law was, immediately before such repeal, performing any function or was discharging any duty under that law or any other law, such function or duty shall be performed or discharged by the corresponding authority or functionary constituted or appointed under this Act:

Provided that—

(*i*) if any question arises as to who such corresponding authority or functionary is, or

(*ii*) if there is no such corresponding authority or functionary,

the Government may, by notification, direct as to which authority or functionary shall perform such function or discharge such duty, and any such direction may be given retrospective effect from a date not earlier than the commencement of this Act.";

(*d*) after section 334A, the following section shall be inserted, namely:—

Successor commune panchayat to exercise powers and perform functions of village panchayat.

"334B. (*1*) Notwithstanding anything contained elsewhere in this Act or any other law for the time being in force, a successor commune panchayat council shall, until a village panchayat is constituted within its territorial jurisdiction, exercise all the powers (including the power to impose any tax) and perform all the functions of such village panchayat.

(*2*) Any amount received or expended shall be credited or, as the case may be, debited, to the account of the village panchayat concerned, and, for the said purpose, the Chairman and the Commissioner of the successor commune panchayat council shall perform the functions and discharge the duties of the President and the executive authority, respectively, of the village panchayat concerned.

(*3*) On the constitution of a village panchayat in accordance with the provisions of this Act—

(*a*) the Government may pass such orders as it deems fit with regard to the transfer to the village panchayat, from the successor commune panchayat council, of any property, moveable or immovable, which has vested in the successor commune panchayat council by virtue of a direction made by the Government under the proviso to clause (*h*) of section 334;

(*b*) any asset or institution acquired, or liability incurred, by a successor commune panchayat council on behalf of the village panchayat at any time when such successor commune panchayat council has been performing the functions or discharging the duties of that village panchayat, shall stand transferred to that village panchayat.".

FAKHRUDDIN ALI AHMED,
President.

K. K. SUNDARAM,
Secy. to the Govt. of India.

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